

Ct. No. 201.

Motion to advance.

Filed Feb. 16, 1901.

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Clerk.

Supreme Court of the United States.

OCTOBER TERM, A. D. 1900.

ALFRED V. BOOTH,

Plaintiff in Error,

vs.

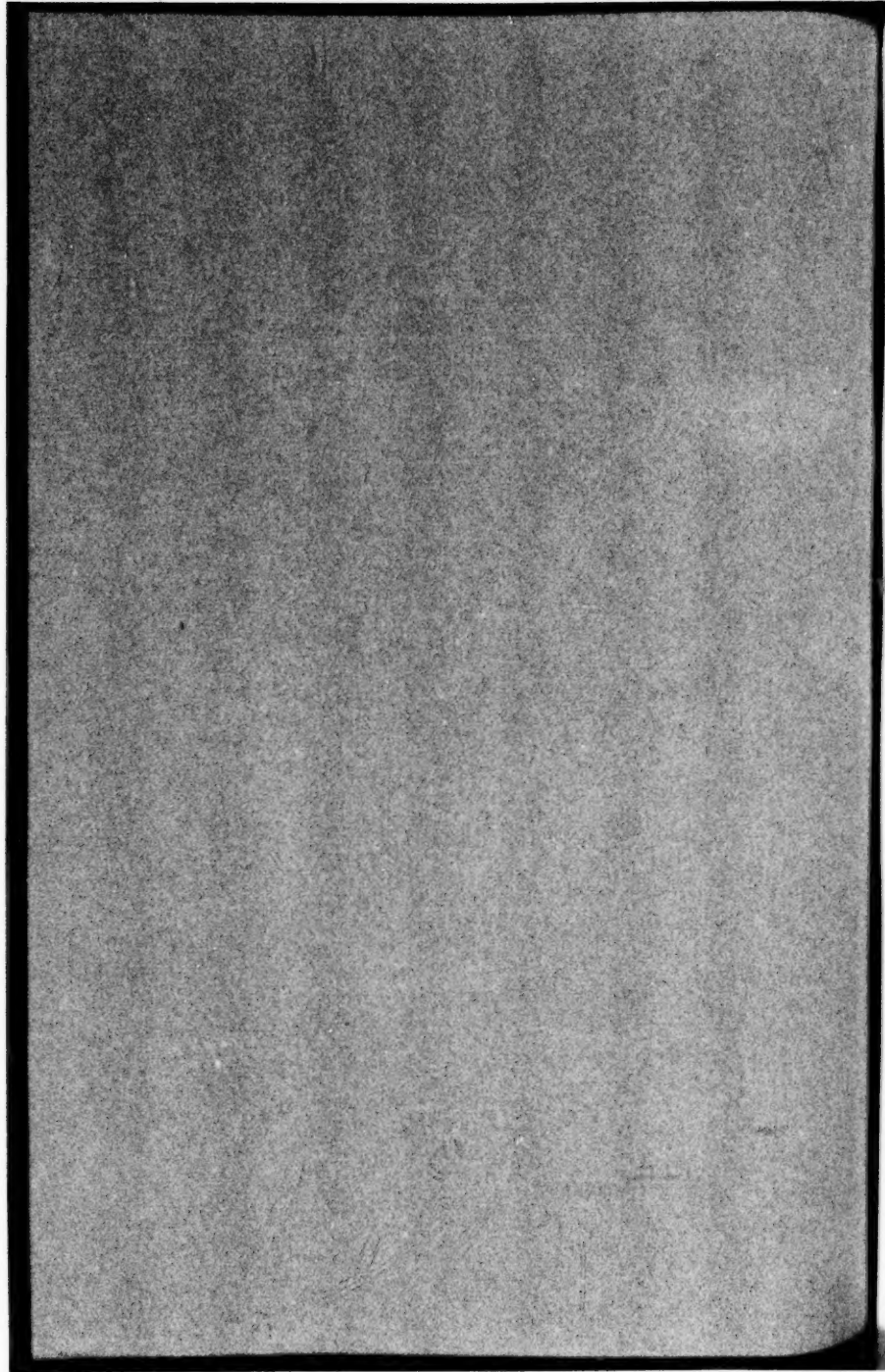
THE PEOPLE OF THE STATE OF ILLINOIS,

Defendants in Error.

MOTION TO ADVANCE.

L. D. MATHIAS,

Attorney for Plaintiff in Error.



2010

IN THE
Supreme Court of the United States.

OCTOBER TERM, A. D. 1900.

ALFRED V. BOOTH,
Plaintiff in Error,
vs.

THE PEOPLE OF THE STATE OF ILLINOIS,
Defendants in Error.

MOTION TO ADVANCE.

This case is brought up on writ of error to revise the judgment of the Supreme Court of the State of Illinois sustaining the conviction of the plaintiff in error by the Criminal Court of Cook County, Illinois, for contracting "to have to himself the option to buy at a future time a certain commodity, to wit, grain, to wit, ten thousand bushels of corn, contrary to the statute and against the peace and dignity of the same People of the State of Illinois." (R. 6.)

On the trial of the case the plaintiff in error was convicted and adjudged to pay a fine of one hundred dollars and the cost of the proceedings.

From this judgment of conviction a writ of error was prosecuted to the Supreme Court of the state, the plaintiff

in error assigning for errors in that court, among others, the following (R. 30):

“ That section 130 of the Criminal Code, in so far as it provides that ‘whoever contracts to have or give to himself or another the option to sell or buy at a future time any grain or other commodity, stock of any railroad or other company, or gold . . . shall be fined not less than \$10 nor more than \$1,000, or confined in the county jail not exceeding one year, or both,’ is in contravention of section 1, article 14, of the articles in addition to and amendment of the Constitution of the United States of America, which provides ‘nor shall any State deprive any person of life, liberty or property without due process of law,’ and is unconstitutional and void.

“ That section 130 of the Criminal Code, in so far as it provides that ‘whoever contracts to have or give to himself or another the option to sell or buy at a future time any grain or other commodity, stock of any railroad or other company, or gold . . . shall be fined not less than \$10, nor more than \$1,000, or confined in the county jail not exceeding one year, or both,’ is in contravention of section 1, article 14, of the articles in addition to and amendment of the Constitution of the United States of America, which provides that ‘no State shall deny to any person within its jurisdiction the equal protection of the laws,’ and is unconstitutional and void.

“ That section 130 of the Criminal Code, in so far as it provides that ‘whoever contracts to have or give to himself or another the option to sell or buy at a future time any grain or other commodity, stock of any railroad or other company, or gold . . . shall be fined not less than \$10, nor more than \$1,000, or confined in the county jail not exceeding one year, or both,’ is unconstitutional and void.”

The Supreme Court of Illinois held that the State law referred to was constitutional and affirmed the conviction by the court below. (R. 35-38.)

A writ of error was allowed by this court and the same

reasons for the reversal of the judgment as are above quoted are again assigned here. (R. 40-41.)

The plaintiff in error asks that the cause be advanced and set down for early hearing pursuant to section 710, Revised Statutes of the United States.

Respectfully submitted,

L. D. MATHIAS,

Attorney for Plaintiff in Error.